

REMARKS

Claims 7-17 remain in the application and are presented from examination and reconsideration. Claims 18-31 have been withdrawn from consideration. Claim 7 has been amended, in the manner discussed during the interview on March 5, 2003, by insertion of a negative limitation, to more clearly define the claimed invention. The Examiners are thanked for the courtesy of the interview granted on March 5, 2003, and the contents of the interview are reflected herein.

As the Examiners are aware, the Manual of Patent Examining Procedure at section 2173.05 (i) indicates that, "there is nothing inherently ambiguous or uncertain about a negative limitation." The MPEP requires that the boundaries of the patent protection be set forth definitely, albeit negatively, and that the negative limitation have basis in the original disclosure. Attention is called, in the MPEP section, to the decision of In re Wakefield, as representative of the current view of the courts on the permissible use of negative limitations in defining a claimed invention that complies with the requirement of 35 U.S.C. §112.

In the present application, Claim 7 has been amended by inserting a negative limitation to further define the claimed invention. Support for the negative limitation amendment to Claim 7 is found in the originally filed specification, at page 4, line 29.

The present application is now considered to be in condition for examination on the merits.

Respectfully submitted,

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